

KILPATRICK TOWNSEND & STOCKTON
LLP

A. JAMES ISBESTER (SBN 129820)
Two Embarcadero Center, Suite 1900
San Francisco, CA 94111
Telephone: (415) 576-0200
Facsimile: (415) 576 0300
Email: jisbeste@kilpatricktownsend.com

SCOTT E. KOLASSA (SBN 294732)
WILLIAM E. MOSLEY (SBN 280495)
1080 Marsh Road
Menlo Park, CA 94025
Telephone: (650) 326-2400
Facsimile: (650) 326-2422
Email: skolassa@kilpatricktownsend.com
Email: wmosley@kilpatricktownsend.com

Attorneys for Plaintiff,
IRIDEX CORPORATION

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

JACOB A. SCHROEDER (SBN 264717)
MORGAN E. SMITH (SBN 293503)
3300 Hillview Avenue
Palo Alto, California 94304
Telephone: (650) 849-6600
Facsimile: (650) 849-6666
Email: jacob.schroeder@finnegan.com
Email: morgan.smith@finnegan.com

JOHN WILLIAMSON (*pro hac vice*)
BRIAN KACEDON (*pro hac vice*)
901 New York Avenue, NW
Washington, DC 20001-4413
Telephone: (202) 408-4000
Facsimile: (202) 408-4400

Attorneys for Defendants
Quantel Medical, S.A., Quantel USA, Inc., and
Quantel S.A.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IRIDEX CORPORATION, a Delaware
Corporation,

Plaintiff,

v.

QUANTEL MEDICAL, S.A., a French
Corporation, QUANTEL USA, INC., a
Montana Corporation, and QUANTEL,
S.A., a French Corporation,

Defendants.

CASE NO.: 18-cv-00153-RS

JOINT STIPULATION AND ~~PROPOSED~~
ORDER MODIFYING CASE SCHEDULE

HONORABLE RICHARD SEEBORG

1 Pursuant to Civil L.R. 6-2 and 7-12, Plaintiff Iridex Corporation (“Iridex”) and Defendants
2 Quantel Medical, S.A., Quantel USA, Inc., and Quantel S.A. (“Quantel”) (Iridex and Quantel,
3 collectively, the “Parties”) stipulate as recited below and jointly request that the Court modify the
4 current case schedule.

5 WHEREAS on January 8, 2018, Iridex filed the instant lawsuit. Dkt. No. 2.

6 WHEREAS on July 31, 2018, the Parties participated in a Settlement Conference before
7 Magistrate Judge Sallie Kim. Dkt. No. 45.

8 WHEREAS on August 2, 2018 the Parties filed a Joint Stipulation Regarding Stay of
9 Proceedings Pending Settlement Discussions (Dkt. No. 47), believing it may be possible to resolve
10 the instant dispute out-of-Court and requested a brief stay.

11 WHEREAS on August 2, 2018 this Court, pursuant to the Parties stipulation, ordered the
12 requested stay until September 30, 2018, requiring that the parties report back as to whether the
13 Parties had reached an agreement-in-principle by that date. Dkt. No. 48.

14 WHEREAS the Parties have not reached an agreement and jointly request that the Court
15 modify the Scheduling Order (Dkt. No. 39) as set forth below.

16 It is hereby STIPULATED AND AGREED, by and between the Parties and subject to the
17 approval of the Court, that the Scheduling Order be modified as follows:

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //



Event	Prior Deadline	Deadline by Effect of Stay Order (Dkt. 48)¹	(Proposed) New Deadline
Damages Contentions	August 14, 2018	October 13, 2018	November 14, 2018
Responsive Damages Contentions	September 13, 2018	November 12, 2018	December 14, 2018
Exchange Proposed Terms for Construction	October 1, 2018	November 30, 2018	January 3, 2019
Preliminary Claim Constructions and Extrinsic Evidence	October 22, 2018	December 21, 2018	January 24, 2019
Joint Claim Construction and Prehearing Statement	November 21, 2018	January 20, 2019	February 14, 2019
Completion of Claim Construction Discovery	December 21, 2018	February 19, 2019	March 14, 2019
Opening Claim Construction Brief	January 21, 2019	March 22, 2019	April 15, 2019
Responsive Claim Construction Brief	February 4, 2019	April 5, 2019	April 29, 2019
Reply Claim Construction Brief	February 11, 2019	April 12, 2019	May 14, 2019

¹ The Order staying the case while the parties discussed potential resolution postponed all dates during and after the stay by 60 days pending a new schedule. *See* Dkt. No. 48.



1 Dated: October 2, 2018

2 KILPATRICK TOWNSEND & STOCKTON
3 LLP

4 By: /s/ Scott E. Kolassa

5 A. JAMES ISBESTER (SBN 129820)
6 Two Embarcadero Center, Suite 1900
7 San Francisco, CA 94111
8 Telephone: (415) 576-0200
9 Facsimile: (415) 576-0300
10 Email: jisbester@kilpatricktownsend.com

11 SCOTT E. KOLASSA (Bar No. 294732)
12 WILLIAM E. MOSLEY (Bar No. 280495)
13 1080 Marsh Road
14 Menlo Park, CA 94025
15 Telephone: (650) 326-2400
16 Facsimile: (650) 326-2422
17 Email: skolassa@kilpatricktownsend.com
18 Email: wmosley@kilpatricktownsend.com

19 Attorneys for Plaintiff
20 IRIDEX CORPORATION

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

By: /s/ Jacob A. Schroeder

JACOB A. SCHROEDER (SBN 264717)
MORGAN E. SMITH (SBN 293503)
3300 Hillview Avenue
Palo Alto, California 94304
Telephone: (650) 849-6600
Facsimile: (650) 849-6666
Email: jacob.schroeder@finnegan.com
Email: morgan.smith@finnegan.com

JOHN WILLIAMSON (*pro hac vice*)
BRIAN KACEDON (*pro hac vice*)
901 New York Avenue, NW
Washington, DC 20001-4413
Telephone: (202) 408-4000
Facsimile: (202) 408-4400

Attorneys for Defendants
Quantel Medical, S.A., Quantel USA, Inc.,
and Quantel S.A.



1 **CERTIFICATION PURSUANT TO CIVIL L.R 5-1(i)(3)**
2 **RE E-FILING ON BEHALF OF MULTIPLE SIGNATORIES**

3 In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this
4 document has been obtained from each of other signatories who are listed on the signature pages. I
5 shall maintain records to support this concurrence for subsequent production for the Court if so
6 ordered, or for inspection upon request by a party until one year after final resolution of the action
7 (including appeal, if any).

8 Dated: October 2, 2018

/s/ Scott E. Kolassa

1 I, Scott E. Kolassa, hereby declare and state:

2 1. I submit this declaration pursuant to Civil L.R. 6-2 in support of the Parties' Joint
3 Stipulation Regarding Stay of Proceedings Pending Settlement Discussions. I have personal
4 knowledge of the facts set forth in this declaration and, if called to testify as a witness, could and
5 would do so competently.

6 2. On January 8, 2018, Iridex filed the instant lawsuit.

7 3. On July 31, 2018, the Parties participated in a Settlement Conference before Magistrate
8 Judge Sallie Kim. I was present for the Settlement Conference.

9 4. On August 2, 2018 the Parties filed a Joint Stipulation Regarding Stay of Proceedings
10 Pending Settlement Discussions (Dkt. No. 47), believing it may be possible to resolve the instant
11 dispute out-of-Court and requested a brief stay.

12 5. On August 2, 2018 this Court, pursuant to the Parties' stipulation, ordered the requested
13 stay until September 30, 2018, requiring that the Parties report back as to whether they had reached
14 an agreement-in-principle by that date. Dkt. No. 48.

15 6. The Parties have previously requested time modifications regarding Quantel's response
16 to Iridex's Complaint; the date of the Initial Case Management Conference; the date of the
17 Settlement Conference; and the temporary stay. The effect of the requested modification will be to
18 extend the overall case schedule previously set forth in Dkt. No. 39.

19 I declare under penalty of perjury under the laws of the United States of America that the
20 foregoing is true and correct. Executed this 2nd day of October, 2018, in Menlo Park, California.

21
22 /s/ Scott E. Kolassa
23 Scott E. Kolassa
24
25
26
27
28



~~PROPOSED~~ ORDER

Pursuant to the Stipulation, the Court hereby ORDERS as follows:

Event	Prior Deadline	New Deadline
Damages Contentions	August 14, 2018	November 14, 2018
Responsive Damages Contentions	September 13, 2018	December 14, 2018
Exchange Proposed Terms for Construction	October 1, 2018	January 3, 2019
Preliminary Claim Constructions and Extrinsic Evidence	October 22, 2018	January 24, 2019
Joint Claim Construction and Prehearing Statement	November 21, 2018	February 14, 2019
Completion of Claim Construction Discovery	December 21, 2018	March 14, 2019
Opening Claim Construction Brief	January 21, 2019	April 15, 2019
Responsive Claim Construction Brief	February 4, 2019	April 29, 2019
Reply Claim Construction Brief	February 11, 2019	May 14, 2019

Tutorial set for June 14, 2019 at 9:30 am.

Claim Construction Hearing set for June 14, 2019 at 10:00 am

Dated: 10/3/18



Hon. Richard Seeberg
United States District Judge

71199247V.1

JOINT STIPULATION REGARDING SCHEDULE AND [PROPOSED] ORDER - CASE NO.: 18-cv-00153-RS